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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

HJ

In re application of

Osamu SAKANAKA et al.

: Docket No. 2000_1081A

Serial No. 09/601,655

: Group Art Unit 1625

Filed August 4, 2000

: Examiner B. Robinson

**NOVEL ANTIFUNGAL COMPOUND AND
PROCESS FOR PRODUCING THE SAME**

THE FEE INDICATED IS UNPAID
TO DATE. PLEASE PAY IN THE
FEE INDICATED AND DEPOSIT
ACCOUNT NO. 23-0975.,

REQUEST FOR NEW OFFICE ACTION AND RESETTING DATE FOR RESPONSE

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

Applicants have received the Office Action mailed February 26, 2001, along with a copy of the Hanafi et al. reference.

Item 4 on page 3 of the Office Action refers to page 543 of the Hanafi et al. reference. However, the copy of the Hanafi et al. reference supplied by the Examiner contains only pages 1226-1231, i.e. there is no page 543.

Applicants' attorney left a voicemail message for the Examiner on May 1, 2001 concerning the absence of page 543 in the Hanafi et al. reference. On May 8, 2001 the Examiner left a voicemail message for Applicants' attorney indicating that she made a mistake about this, and meant to refer to page 1229 of the Hanafi et al. reference, and specifically Fig. 3 on page 1229. However, Applicants' attorney was away from his office during the period from May 4-May 17, 2001, in part for the INTA Conference on trademarks which took place May 6-May 9, 2001.

In view of the Examiner's mistake in referring to page 543 of the Hanafi reference, Applicants request a revised Office Action explaining the basis for the rejection in item 4 on page 3 of the Office Action.

Applicants also request that the date for responding to the Office Action be reset to expire three months from the mailing date of the revised Office Action. Even if Applicants' attorney had been available to take the Examiner's call on May 8, 2001, this still would have provided only 18 days for Applicants to consider the rejection based on Hanafi et al., i.e. the present due date for responding to the Office Action is May 26, 2001. The Office Action should have set forth the full basis on which the rejection in item 4 is made, in a manner that enables Applicants to fully respond to the rejection, so that Applicants would have a full three month period for response. This can only be achieved by resetting the date for response after clarifying the rejection in item 4. Accordingly, Applicants respectfully submit that the date for response should be reset to expire three months from the mailing date of the revised Office Action.

Respectfully submitted,

Osamu SAKANAKA et al.

By:


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May 21, 2001

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975